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CHD Sues NIH Over Failure to Comply With FOIA Request for Correspondence With COVID Vaccine Injury Victims

Children's Health Defense on Wednesday sued the National Institutes of Health (NIH) for failing to produce documents related to correspondence between NIH researchers and individuals who contacted the agency regarding adverse events they experienced after receiving the COVID-19 vaccine.

By Michael Nevradakis, Ph.D.

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Children's Health Defense (CHD) on Wednesday sued the National Institutes of Health (NIH) for failing to respond to CHD's Freedom of Information Act (FOIA) request for documents related to correspondence between NIH researchers and individuals who contacted the NIH regarding adverse events they experienced after receiving the COVID-19 vaccine.

According to the complaint, filed in the U.S. District Court for the District of Columbia, CHD submitted the FOIA request Nov. 10, 2022. The NIH has not produced the documents or a final determination and stopped responding to CHD.

CHD alleges the NIH violated the legal time limits for responding to FOIA requests and is withholding crucial information from the public.

"Lawsuits like this are critically important," said Kim Mack Rosenberg, CHD acting general counsel. "Government transparency concerning its research on injuries following COVID-19 injections is of paramount importance."

Rosenberg added:

> "The U.S. government has encouraged, and in some cases, mandated, these injections. How can it now turn a blind eye to requests for information concerning injuries?
>
> "Individuals have a right to this information to promote informed decision-making. By ignoring CHD's FOIA request, NIH only further undermines the public's trust in NIH and other government agencies."

Several vaccine injury victims who communicated with the NIH spoke to The Defender about their experiences interacting with the NIH and participating in a study it was conducting on vaccine-injured individuals — although the NIH has since, on several occasions, denied having data on such individuals or even conducting such research.

No NIH response after six months, despite repeated requests

According to the lawsuit, in early 2021, NIH researchers "began to hear from individuals who were experiencing severe, lasting health problems after COVID-19 injection, including neurological, cardiovascular, muscular, and other disorders."

At that time, the lawsuit states, "The NIH researchers sought to learn more, even bringing some affected people to NIH headquarters for testing, and sometimes treatment."

Those efforts resulted in at least one publicly available paper, "Neuropathic symptoms with SARS-CoV-2 vaccination."

That study, which examined 23 patients who reported new neuropathic symptoms within a month of their COVID-19 vaccination, "suggests that a variety of neuropathic symptoms may manifest after SARS-CoV-2 vaccinations and in some patients might be an immune-mediated process."

CHD sought communications between 10 NIH researchers and the individuals who contacted NIH in connection with health problems experienced after the COVID-19 injection.

CHD asked for all emails sent and received from vaccine-injured individuals, all NIH call logs documenting communications with these individuals and all internal communications between NIH researchers regarding any affected individuals.

The FOIA request was filed on an expedited basis because, CHD said:

> "In light of ongoing pressure to accept COVID-19 injections, and ongoing medical and policy debates connected with the shots, the public has an urgent need to understand how the federal government is addressing adverse events through the NIH's behind-the-scenes engagement with vaccine-injured individuals."

CHD argued that a "lack of transparency about this engagement deprives people of the information needed to make fully informed medical and political decisions and erodes confidence in the conclusions reached and guidance promulgated by federal agencies."

The NIH acknowledged receipt of the FOIA request on Nov. 18, 2022, assigning it a reference number — but denied the expedited review, claiming "a lack of compelling need" and arguing that CHD's request was overbroad. CHD was given an opportunity to clarify its request and to provide "additional information."

The NIH did not respond to several attempts by CHD to obtain clarification about the "additional information" the NIH required.

On Dec. 15, 2022, CHD formally submitted a clarified request to NIH, narrowing down its request to a series of search terms, including "vaccin-," "adverse," "neurol-," "autoimmune-," "clot-," "suici-," "vertigo," "heart," "paresthesia" and "lymph-."

In response, the NIH asked CHD to "specify which NIH office and personnel you would like searched as there are 27 institutes and centers (IC) at the NIH and over 18,000 employees, and searching all of them places undue burden on federal government resources and deems your request 'Improper' under the FOIA" — even though CHD had already specified this information.

The NIH confirmed receipt of the revised request on Dec. 16, 2022, stating that CHD would be informed if more clarifications were needed. However, no further response followed from the NIH for several months.

On March 15, with CHD's request still appearing as "on hold need clarification" in the NIH's online FOIA portal, CHD communicated with the NIH, which said the request was still being processed and that "the hold has been released, backdated to December 15, 2022."

A March 16 email from the NIH claimed, "It is difficult to assess an accurate estimated completion date as your request remains quite broad, even with the search terms you provided, so it is taking time to collect all responsive records. If you would like to limit the search further, that could reduce the time taken to process your request."

However, on March 17, CHD's request appeared as "received" on the NIH's FOIA portal, instead of "assigned for processing" or "in process." Despite several further attempts by CHD to contact NIH, including an email informing the NIH it was "far beyond FOIA limits," the NIH did not respond.

As of April 10, CHD's request still appeared as "received" in the NIH's FOIA portal.

FOIA rules stipulate that federal agencies must generally respond within 20 business days of receiving a request, indicating whether or not the agency will comply with the request, the reasons for the decision, a description of the scope of documents to be produced and any claimed exemptions.

NIH claims no knowledge of adverse reactions to COVID vaccines, despite interacting with injured individuals

In at least two instances of correspondence with CHD after the FOIA request was filed, NIH claimed that it had no knowledge of "adverse vaccination reaction reports."

On Nov. 18, 2022, the NIH told CHD that "adverse vaccination reaction reports are filed with the FDA [U.S. Food and Drug Administration], not the NIH, so if that is what you are interested in, please submit your request directly to the FDA FOIA Office."

And on Dec. 15, 2022, the NIH wrote, "the NIH is not typically tasked with engaging with the public on adverse vaccine reactions as that function is primarily managed by the CDC [Centers for Disease Control and Prevention] and FDA, not the NIH."

CHD responded that "Regardless of whether NIH is officially tasked with engaging with vaccine-injured individuals … we are requesting records in connection with communications that NIH has had with such affected individuals, and indeed, NIH has acknowledged having such communications," citing a Jan. 20, 2022, article in Science.

The article referenced "people who had experienced serious, long-lasting health problems after a COVID-19 vaccine, regardless of the manufacturer," adding that "By January 2021, researchers at the National Institutes of Health (NIH) began to hear about such reports and sought to learn more."

This led to ongoing communications between the NIH and such individuals, and "small in scale" research regarding the adverse effects they were experiencing.

Brianne Dressen, who was injured by the AstraZeneca COVID-19 vaccine during its clinical trial, spoke to The Defender about her interactions with the NIH following her injury.

Dressen, who founded a non-profit organization, React19, which offers "financial, physical, and emotional support for those suffering from long-term COVID-19 vaccine adverse events globally," said her husband, a chemist, initially contacted the NIH about her injuries.

According to Dressen, the NIH was initially responsive and communicative with her:

> "It was interesting, at the beginning there was no reason to suspect something nefarious was going on. They went so far as to try to work with my home physicians, to get my home physicians to take care of me properly.
>
> "And so, they believed me, and they believed the other injured person [from the study]. It wasn't a question of if we were injured. It was: We were injured according to the NIH, we were injured by the COVID vaccine.
>
> "So, they promised us that they were going to collect the data on the study they were doing into neurological complications to the COVID vaccines. They promised us repeatedly that they would be informing the scientific community and that then everybody else could get care."

According to Dressen, it was this apparent early interest that led her and other vaccine-injured individuals to participate in the NIH study.

"That's why we participated in this study," Dressen said. "Because if the NIH says that there are — albeit rare — neurological complications to a pharmaceutical product, then the medical community and the scientific community are going to take that seriously."

However, she said, "What we got instead was a little bit of a bait-and-switch, where they were interacting with us regularly. They were evaluating our labs even at home after we had been there for research. And then they slowly grew distant from us and then completely cut off all communication."

Dressen said her communication with the NIH lasted between January and September 2021, when NIH stopped responding and canceled a scheduled appointment with her:

> "They had scheduled a follow-up time for me to come out and be evaluated … so they could collect more data. And that was supposed to be in September 2021, but they abruptly canceled the appointment.
>
> "After that, then they started drawing more and more distance between us and themselves. They stopped returning emails."

Dr. Danice Hertz, a retired gastroenterologist from California, shared a similar experience with The Defender regarding her interactions with the NIH.

Hertz previously suffered serious adverse events after she received her first (and only) dose of the Pfizer-BioNTech COVID-19 vaccine on Dec. 23, 2020. She was later diagnosed with mast cell activation syndrome (or mast cell disorder), a condition in which a patient experiences repeated episodes of the symptoms of anaphylaxis.

Hertz said she initially received remote treatment from NIH physicians and was participant No. 2 in their study of vaccine-injured individuals. Between February and July 2021, she had frequent correspondence with the NIH, totaling 40 pages of emails, which she shared with The Defender.

For instance, a Feb. 11, 2021, email to Hertz from Dr. Alkis Togias, branch chief of Allergy, Asthma and Airway Biology at the NIH's National Institute of Allergy and Infectious Diseases (NIAID) stated "problems like yours have been reported by other people; so the various agencies and the companies know about them."

Dr. Anthony Fauci was director of NIAID before stepping down at the end of 2022.

A March 17, 2021, email to Hertz from Farinaz Safavi, M.D., Ph.D., of the NIH's Division of Neuroimmunology and Neurovirology stated, "We started this effort and trying our best to gather information from patients with vaccine side effects to thoughtfully organize the information and report them."

Safavi added:

> "If you look at [VAERS — Vaccine Adverse Event Reporting System] database there are more than 1000 neurological side effects already reported but in order to present it to scientific community we have to gather as much information as we can before sending it out.
>
> "I promise you we will report your issue and other cases that we are reviewing now and I really appreciate if you kindly give us 1-2 weeks to collect comprehensive information before publicizing it."

And a July 27, 2021, email from Dr. Avindra Nath, clinical director at the NIH's National Institute of Neurological Disorders and Stroke, stated "Sorry, to learn of your continued symptoms. We believe the symptoms to be real. That is the reason we have been treating patients."

However, after that date, correspondence from the NIH abruptly ceased. Hertz told The Defender:

> "I have a lot of correspondence stating that I was still very ill at the time that they cut us all off from their study, or any treatment from or any communication with them.
>
> "So, they knew I was still very sick, and they basically said, 'we can't help you, go see your doctors in Los Angeles.'"

Hertz said she believes something happened abruptly with the NIH that led them to cut off their communication with all of the injured people they were treating and that they were studying.

She said:

> "My imagination is that someone from above told them to stop talking to us. I don't have that as a fact, but it felt that way. It felt like the FDA or someone in the government told them to cut off any communication with us, because it was abrupt, and it occurred across the board with all of the injured. We were already talking to each other, so we knew that it was happening to more than one person."

Unlike Dressen and Hertz, Mona Hasegawa, a stay-at-home mother from New Jersey who was left wheelchair-bound after receiving her first dose of the Pfizer-BioNTech COVID-19 vaccine on April 24, 2021, was unable to even participate in the NIH study.

According to Hasegawa, she initially contacted Nath, asking him "if there was any research being done" and "if he could even speak to my local doctor to give them any advice on which way to take things with my injuries."

Hasegawa said, "He ignored me, he basically sent me to one of his secretaries."

"I had to beg her, 'please, I don't want to die, I have kids to take care of,'" Hasegawa said, adding that after this, she was contacted by Brian T. Walitt, M.D., M.P.H.

"He basically told me 'People die all the time,'" Hasegawa said, adding that he also denied knowledge of the NIH conducting any study involving vaccine-injured individuals.

"Walitt also said, 'Where will we get the money for a study to happen? Where is the money going to come from and where are the people going to come from?' Meanwhile, I knew that some of my fellow injured people were already in the study," Hasegawa told The Defender.

Hasegawa received contact information for two doctors. However, according to her, one never returned her phone call, while the other claimed to have a two-year waiting list to see patients.

"I know that they have lied because they did give treatment to some people that were injured and they were acting like they couldn't help me," she said.

Hasegawa said she was diagnosed with Tourette syndrome, narcolepsy with cataplexy, small fiber sensory neuropathy, chronic inflammatory demyelinating polyneuropathy and postural orthostatic tachycardia syndrome, adding that multiple doctors told her "there's nothing much more they can do for me."

According to Science, "NIH's communications with patients faded by late 2021."

Vaccine-injured 'not surprised' at NIH's lack of response

None of the individuals interviewed for this story were surprised to hear that the NIH did not respond to CHD's FOIA request and welcomed news of the lawsuit.

Dressen said:

> "It's unfortunate that there are so many people that need to sue to get information out of the government, because the government should not be structured just to be sued to get information. It should be fully transparent with open processes for everything.
>
> "I'm very grateful that CHD is making this move. I think it's going to be a great service for this country."

Similarly, Hertz told The Defender:

> "I'm happy they're going to do that. I think it's appropriate … We've continued to be abandoned by our government and our country. And beyond being abandoned, we've been villainized. It's bad enough to be injured and to be ill, but to be made out to be a terrible person and 'anti-vaxx' has really been wrong.
>
> "I'm glad that there are people who are seeking justice in this matter because it's appropriate."

Hasegawa told The Defender she was "not surprised" at the NIH's unresponsiveness. "I'm so glad to hear that [CHD is] going to be suing them, because this has affected thousands of people and we're hoping for change," she said.

"It was very strange and very confusing, especially because the health agencies are supposed to be serving all patients and all citizens of the United States, not just the patients that are politically convenient," Dressen said.

Referring to the vaccine-injured, she said the government "is trying to suppress your case and do whatever they can to make sure that the public doesn't find out about you," adding, "The fact that the American public still is completely unaware that this went on at the NIH is alarming … they deserve to have their questions answered."

This is not the first or only instance where federal agencies have been unresponsive to FOIA requests relating to COVID-19 vaccines or vaccine injuries or sought to block such requests.

In December 2021, the FDA told a federal court it needed 75 years to process and release over 400,000 pages of documents pertaining to the clinical trials and Emergency Use Authorization of the Pfizer-BioNTech COVID-19 vaccine, in response to a FOIA request.

Ultimately, a federal judge gave the FDA 8 months to release what became known as the "Pfizer documents."

And in September 2022, a federal court gave the CDC four days to release data pertaining to vaccine injuries that it had collected via its V-safe app. This ruling came after a lawsuit was filed against the CDC for refusing to comply with a FOIA request to release the information.

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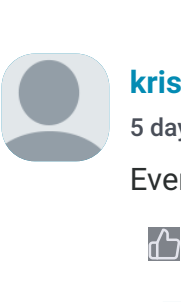

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Michael Nevradakis, Ph.D., based in Athens, Greece, is a senior reporter for The Defender and part of the rotation of hosts for CHD.TV's "Good Morning CHD."

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Everything is at warp speed except the truth right ? 🤨
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GarySummers ➦ kris
2 days ago
Dr. Naomi Wolf gives a "Breathtaking Report" on Vaxx Information she has Discovered.
Hopefully CHD, and ICAN, will run with her Detailed Information?

That the Pfizer Jab, others?, was a CCP "Bio-Weapon", made by CCP Proxy Vaccine Company's. One in Springfield, MA, and Princeton, NJ., others in foreign Countrys.

She outlines this with 'Precision' in her lecture at 'Hillsdale College Speech', 04/2023.
"If you watch 'any Video Today watch this one', '#34:34 MIN Mark' & Forward it gets Very Interesting". "She presents her case", and will leave you Spellbound? CCP never gave the
Jab to their people, but 'Biden Admin Mandated it" for US Military, Etc. 'Legions need to be held accountable if she is correct?' Expedited Congressional Hearings, and Comprehensive Investigation should be in Order. Hopefully the "White Hats" will run with this information,
in essence if correct, CCP declared 'Hybrid Warfare" on the Western World?

" Naomi Wolf - What's in the Pfizer Documents? - Full Hillsdale College Speech "
https://rumble.com/v2i3uhi-...
0 0 Reply • Share ›

Mike
5 days ago
Thank you.
8 0 Reply • Share ›

notaluvvie
5 days ago
Australian journalist @mirandadevine (currently working on the New York Post) has drawn attention to a new word: 'totting'. This is the English abbreviation of a German word *totschweigetaktik*. Both that impossible German word (and its English abbreviation) mean 'death by silence' and refers to the tactic employed to kill issues and news reports by simply ignoring them into non-existence.
7 0 Reply • Share ›

E_via
4 days ago
The guvvinment is like the mafia... "we don't know nuthin'"... gangsters... I think unlike the guvvinment and its bureaucrats, the mafia has a code of honor though.
6 0 Reply • Share ›

crl
4 days ago
If anyone has ever seen the brilliant movie Brazil, it sums up the absurdist evil of state bureaucracies like the one presented in this article, perfectly.
4 0 Reply • Share ›

Julie
4 days ago
Great article! Thanks for getting these women's stories - and the rot of the NIH and the government - out to the public.
4 0 Reply • Share ›

WelcomeTheEagle88
4 days ago
I am the creator of vaersaware.com and I have been auditing VAERS since the day #1 on this C19 jab roll out. I came prepared as a top level HMO Claims Auditor. I quickly came to the realization that 1) VAERS is throttling publications of reports, aka deliberately delaying publication of reports. 2) Now since the GDIT contract details and correspondence has been revealed from Josh Guetzkow's FOIA'd information, I know VAERS DOES NOT PUBLISH ALL LEGITIMATE REPORTS RECEIVED! 3) GDIT/CDC stats of incoming reports and "backlog" do not do not reflect a reasonable level of published reports! 4) React19.org even has many of these injured people that filed reports but reports have not been published still after many many months and even years now going into the 3rd year of this experiment. 5) My audit and correlation to what has been published fits in line to what RFKjr told my church June 19, 2021 that VAERS insiders (reps) confided to him that 150K reports had "disappeared" by that point in time. My church's video of Bobbie's presentation which I shortened down to two minutes regarding this stunning revelation is here: https://rumble.com/v21ddeo-... and my audit of GDIT's FOIA'd documents and correlation to published reports here: https://welcometheeagle.sub... God Bless and someone from CHD needs to contact me to really get down into the VAERS weeds! There is nobody more qualified than me! God Bless you Bobbie! Call me.
1 0 Reply • Share ›

richard
4 days ago
"People die all the time"... I can speak from personal experience when I say that I heard very similar remarks told to my face once, by a similar type of government worker, at at state university institution in NY. That's how these people think and they are hired for that reason.
1 0 Reply • Share ›

Nichole
4 days ago edited
It is such a crime that so many have reported injuries and even those who were not vaccinated had reported various symptoms like menstrual changes along with information released showing that Pfizer knew early on that the injections did not remain at the site of the injection but distributed throughout the body and for women especially in the ovaries where the ovaries have no way of removing it. When I heard this from Naomi Wolf who appeared at Hillsdale College, I was devastated because my daughter had taken the Pfizer injection and since then has been getting symptoms of pregnancy and positive pregnancy test results but is not pregnant.

Prior to this, she had very strange symptoms that she would not report because she believed that she was doing the right thing when she took the shot and still masks and did not once question the vaccine, she did not have informed consent. She is only 20 years old. My daughter had strange heart pains after the injection, she experienced bruising all over her legs and an assortment of other things like menstrual changes and positive pregnancy test results several times and is not pregnant.What will happen to those who believed in their government, believed what Joe Biden/Anthony Fauci/CDC et al was telling them and went out and got this shot without informed consent and without question. I believe they will try to suggest these are not related to the injection if this goes on, if they are allowed to

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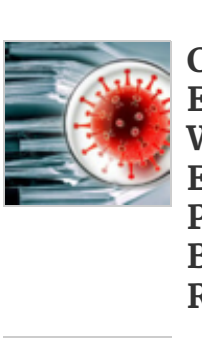

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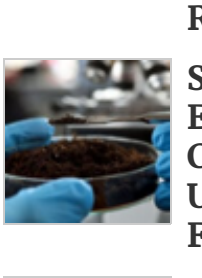

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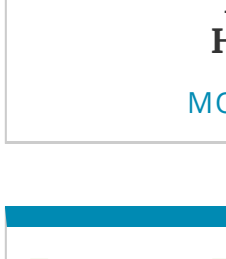

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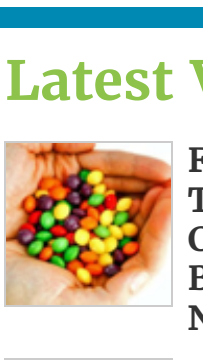

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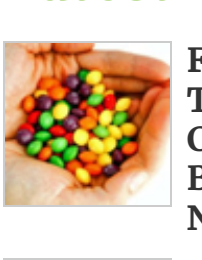

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